


## Memorandum

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To: DEPUTY DISTRICT DIRECTORS, Construction  
CONSTRUCTION MANAGERS  
SENIOR ENGINEERS, Construction  
RESIDENT ENGINEERS, Construction

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Subject: Water Pollution Control Inspections for Off-site Contractor Activities

Water pollution control inspection of off-site contractor's construction activities has been inconsistent throughout the districts.

In order to comply with the State Water Resources Control Board (SWRCB) requirements in the Department of Transportation (Department) "National Pollutant Discharge Elimination System (NPDES); NPDES Permit CAS000003 (Permit), a site specific, Storm Water Pollution Prevention Plan (SWPPP), shall be developed and implemented for each construction project. Section H, item 8b of the Permit states: "The SWPPP shall apply to all areas that are directly related to the construction activity, including but not limited to staging areas, storage yards, material borrow areas and storage areas, access roads, etc., **whether or not** they reside within the Department's right-of-way."

Pursuant to Chapter 7, Section 104B(2) of the *Construction Manual*, during the course of work, the resident engineer must do the following: "Inspect the contractor's operations for compliance with the specifications and the approved SWPPP or WPCP, including deployment of BMPs."

The Department *SWPPP/WPCP Preparation Manual* dated November 2000, SWPPP, Section 2, page 53 of 62, specifies: "If the contractor's yard for the project is not within the Caltrans right-of-way, but is located near the vicinity of the project, the water pollution control drawings shall show all BMPs to be used at contractor's yard."

*The SWPPP, including conducting inspections, shall apply to all areas, whether or not they reside within the Department's right-of-way, directly related to the Department's*

construction projects and would not exist without the construction activity, including but not limited to:

- staging areas;
- equipment storage yards;
- material borrow;
- crushing and storage areas;
- access roads;
- material recycling;
- concrete or asphalt batch plants, etc.

These construction activities are considered to be part of the larger common plan of development that is regulated by the Permit. For these construction activities, all requirements of the SWPPP shall apply including at a minimum the selection of required BMPs, delineation of BMPs on the Water Pollution Control Drawings, water quality sampling and analysis, and inspection requirements. The costs for any off-site permit compliance activities shall be borne by the contractor and not the Department pursuant to the standard special provisions.

Off-site areas that are **not** considered part of the project include:

- a fixed base of operations such as a construction company's home office, equipment yards or warehouses;
- areas that can be considered a stand-alone industrial or commercial activity serving multiple customers;
- other areas not dedicated solely for supporting the Department's construction projects; or
- the activity continues beyond completion of the construction project.

The Permit and this Directive also do **not** require WPCPs to conduct inspections of off-site contractor activities.

Where the same contractor uses a temporary off-site location to support the Department's construction activities at several nearby locations, the Permit would require identifying the site and the BMPs for this common site in at least one of the SWPPP for an individual construction project. For example, a common support area for multiple departmental

construction projects must identify the site, including appropriate BMPs, in the first approved SWPPP of the multiple projects or in all SWPPPs. When the Notice of Completion of Construction is submitted for any of the completed projects, at least one of the remaining active construction projects must include (or add by amendment) the off-site yard location and BMP information.

As referenced in the *Construction Site BMP Manual*, inspections will be conducted as follows:

- prior to a forecasted storm;
- after a rain event;
- at 24-hour intervals during extended rain events; and
- as specified in the project Special Provisions for the rainy and non-rainy seasons.

The resident engineer is responsible for:

- maintaining timely and on-going communication with the contractor that will ensure the implementation and maintenance of proper BMPs,
- coordinating the inspection of off-site construction activities with the contractor or contractor's representative, and
- ensuring proper compliance with the Permit and SWPPP.

For authority refer to, Caltrans NPDES Permit CAS000003, Order No. 99-06-DWQ, Section H, item 96, *Standard Specifications*, sections including 5-1.08, "Inspections"; 6-1.01, "Source of Supply and Quality of Materials"; 6-1.03, "Storage of Materials"; 6-1.06, "Plant Inspection"; 7-1.016, "Water Pollution"; 7-1.21, "Repair of Equipment"; 7-1.22, "Material Plants", *Construction Manual*, Chapter 7, Section 7-104B(2), (3), and (4), Standard Special Provisions, Section 10-1, "Water Pollution Control", and Storm Water Pollution Prevention Plan/Water Pollution Control Plan Preparation Manual, Section 2.